

U.S. Patent Application Serial No. 10/627,348
Reply to Office Action dated September 25, 2007

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Remarks:

Applicant has read and considered the Office Action dated September 25, 2007 and the references cited therein. Claims 1, 9, 17, 26 and 27 have been amended. Claims 1-27 are currently pending. Reconsideration and reexamination are hereby requested.

In the Office Action, claims 1-8 and 17-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Xu et al. in view of Wu et al. Moreover, claims 9-16 were rejected as being unpatentable over Xu et al. in view of Koakutsu et al. Applicant respectfully traverses the rejections. The Office Action states that Xu et al. discloses a method and processor for obtaining printed instances of a document comprising:

Including a definition of a user date input field in the electronic document data for receiving a string of characters entered in said field;

Including an embedded program in the electronic document data linked to the user data input filed for generating commands to print geometrical elements of a barcode code, that represent a series of codewords derived from the characters in the string, each codeword being represented as a respective configuration of printed geometrical elements and their background in a respective area of the barcode.

The Office Action states that Xu et al. discloses all of the subject matter except for the method of distributing copies of electronic document data to a document processor and the electronic document data containing instructions for printing each instance from a respective one of the document processors. The Office Action asserts that Wu et al. teaches distributing the electronic document by a document processor and that it would have been obvious to one of ordinary skill in the art to combine Xu with Wu. Applicant also notes that on page 2 of the

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Office Action, in the Response to Arguments filed in the Amendment of 06/27/2007, it states that Xu discloses an embedded program that is imbedded in the electronic document and notes that the barcode may include information that identifies the document and could be used to embed a variety of data and other graphics into a user data input field for generating commands to print geometrical document elements. The Office Action states that the encoding device generates barcode data based on an analysis engine that analysis an electronic version of a document. Finally, the Office Action notes that a document with a barcode stamp is printed.

Applicant asserts that although the Office Action states that Xu teaches including an embedded program in an electronic document and cites paragraphs 22 and 25 of Xu, Applicant asserts that the cited sections do not discuss an embedded program. The only program discussed in Xu is at the end of paragraph 50, which states "Alternatively, the data to be encoded may be entered manually into an application program associated with the overall encoding process." The Office Action further states that the barcode may include information that identifies a document and could be used to embed a variety of data and other graphics. Applicant asserts that the "data and other graphics" is not an embedded program. Therefore, Applicant asserts that the Office Action has interpreted the embedded program to be included in the barcode. Applicant asserts that claim 1 does not include a barcode used to generate commands for geometrical elements. Moreover, if the embedded program is actually in the barcode, it cannot be used to generate geometrical elements such as the bar code.

Claim 1 has been amended and clarifies that the program is embedded in the electronic document data and the embedded program generates commands that print geometrical elements of a barcode. This clearly distinguishes over Xu, wherein an embedded program, if any, must be embedded in the barcode. Moreover, Applicant notes that linking is allegedly shown in Xu at paragraphs 23 and 57. However, these passages do not describe or suggest an embedded program generating commands to print the barcode.

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Claim 1 has been amended and recites that the embedded program is embedded in the electronic document data and is linked to the user input data field. Moreover, claim 1 recites that the embedded program generates commands to print geometrical elements of a barcode that represent a series of codewords derived by the embedded program from the characters in the string received from the data input field. Each codeword is represented as a respective configuration of printed geometrical elements and their background in the respective area of the barcode. Applicant asserts that Xu cannot be construed to either teach or suggest such a method. Moreover, as any alleged embedded program must apparently be in the barcode in Xu, the Xu patent teaches away from the method of the present application recited in claim 1 wherein the embedded program generates the commands to print geometrical elements of the barcode.

Claim 1 clarifies that the functional position of the embedded program generates commands to print geometrical elements of a barcode derived from the characters. Xu does not explicitly teach an embedded program and to the extent that "variety of data, such as a signature, an identification code, a universal resource locator (URL) code, encrypted or an encrypted data, in a logo or other graphics" (see paragraph 22 of Xu), could be construed to be an embedded program, Xu cannot be seen to teach or even suggest that such an "embedded program" functions to generate commands to print geometrical elements of a bar code. At best, the alleged "embedded program" of Xu functions to develop a decoder and locate a graphic and remove the effect of the graphic from the barcode. As under any interpretation wherein Xu has an "embedded program," the embedded program can be present only after a barcode has been generated, it cannot be construed to teach or suggest generating a barcode. Applicant asserts that claim 1 provides advantages and functions in a fundamentally different manner and provides non-obvious advantages over the prior art. Applicant asserts that claim 1 patentably distinguishes over Xu.

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Moreover, Wu et al. fails to overcome the shortcomings and deficiencies of Xu et al. Applicant asserts that claim 1 patentably distinguishes over the combination of Xu and Wu and any other prior art or combination thereof. Moreover, claims 17, 26 and 27 have also been amended in a manner similar to claim 1 and are also believed to be allowable for at least the same reasons. Applicant asserts that these claims are fundamentally different than the Xu reference and that Wu fails to overcome the deficiencies of Xu. Applicant asserts that claims 17, 26, 27 and the claims depending therefrom patentably distinguish over the combination of Xu et al. and Wu et al. Applicant requests that the rejection over Xu et al. and Wu et al. be withdrawn.

Finally, claim 9 has been amended and recites an electronic document processor with a program embedded in an electronic form with the embedded program generating commands to print geometrical elements of the barcode that encodes a series of codewords derived by the embedded program from the characters in the string received from the user data input field. For reasons similar to those discussed above with regard to claim 1, Applicant asserts that claim 9 patentably distinguishes over Xu et al. Moreover, Koakutsu et al. fails to remedy the shortcomings and deficiencies of Xu et al. Applicant therefore asserts that claim 9 patentably distinguishes over the combination of Xu et al., Koakutsu et al. or any other prior art or combination thereof. Applicant asserts that claim 9 and the claims depending therefrom are in condition for allowance and requests that the rejection over Xu et al. and Koakutsu et al. be withdrawn.

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A speedy and favorable action in the form of a Notice of Allowance is hereby solicited.
If the Examiner feels that a telephone interview may be helpful in this matter, please contact
Applicant's representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: 3/25/08

By: 

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GAS/km